Notice of Allowability    10/541,099		Application No.	Applicant(s)	
Celia Chang   1625	Notice of Allowability			
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address— All claims being allowable, PROSECUTION ON THE MERTIS IS (OR REMAINS) CLOSED in this application. If not included revertith (or previously mailed), a biologic of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. TH NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the init of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 4/1609 amendment and 5/1609 RCE.  2. ☑ The allowed claim(s) is/are 1.35.40 and 41.  3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☑ All b) ☐ Some* c) ☐ None of the  1. ☑ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  *Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE  4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Comment of Paper No. Mail Date  Lie Autichment(s)  1. ☑ Notice of References Cited (PTO-892)		Examiner	Altonit	
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1)	. CORRECTED DRAWINGS ( as "replacement sheets") m	ust be submitted.		
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. ☑ Notice of References Cited (PTC-882) . ☐ Notice of Draftperson's Patent Drawing Review (PTC-948) . ☑ Information Disclosure Statements (PTC)/SB/08), . ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material . ☐ Other   Celia Chang/	attached Examiner's comment regarding REQUIREMEN	T FOR THE DEPOSIT OF BIO	DLOGICAL MATERIAL.	
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Primary Examiner, Art Unit 1625				
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Application/Control Number: 10/541,209

Art Unit: 1625

## DETAILED ACTION

## This application is a RCE of SN 10,541,209.

Claims 1-41 filed by applicants dated April 16, 2009 have been entered and considered carefully. Claims 1-35, 40-41 are pending. Claims 36-39 stayed withdrawn from consideration per 37 CFR 1.142(b).

## 2. Examiner's Amendment

Authorization for this examiner's amendment was given in a telephone interview with Vincent K. Shier on Aug. 5, 2009.

Claims 36-39 being drawn to the nonelected invention are canceled.

## 3. Reason for Allowance

The following is an examiner's statement of reasons for allowance:

Applicants have provided argument that Catlow et al. '320 and Suzuki et al. '746 are not analogous art which therefore cannot be combined in accessing obviousness. A close survey of the Catlow et al. '320 reference indicated that compounds tested are 5HT4 antagonists (see col. 18, lines57-58) while Suzuki et al. '746 compounds tested are tHT4 agonists (see col. 63 lines 61-63). Therefore, they are structurally similar but are not analogous in activity. In addition, it is evidenced in the art that small linker change can indeed change an agonist to an antagonist, thus, are not obvious modification for these compounds (see Englen p. 392 compare fig. 1 ML10302 and fig. 2 RS23597). Method claims 40-41 finds antecedent basis and enablement in the specification (p.1 and 24-27). Claims 1-35, 40-41 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1625

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang, Ph. D. whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet L. Andres, Ph. D., can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OACS/Chang Aug. 5, 2009 /Celia Chang/ Primary Examiner Art Unit 1625